

Appln. No.: 10/802,275
Amdt. dated August 22, 2005
Reply to Office action of February 18, 2005 and Notice of Non-Responsive
Amendment dated August 9, 2005

REMARKS

Claims 26-31 remain in the application.

Claims 26-28 were rejected under 35 U.S.C. § 112 on the basis that the "valve member" and "piston" are double inclusions of the "hydraulic amplifier arrangement." The valve member and the piston member are separate members which co-act during initial mechanical movement of the valve member by the piston member; however, the hydraulic amplifier includes a hydraulic circuit for moving the valve member hydraulically relative to the piston member. Clearly, there is no double inclusion of components.

Claims 26-28 were rejected over Boecking. The Examiner admits that the reference does not suggest the "decoupling". Accordingly, claims 26 and 28 have been amended in pursuit of reciting that difference and to avoid the Examiner's view that the claims merely set forth functional limitations, it being appreciated that the method claims are entitled to merely set forth functional steps.

Claims 29-31 are newly added and clearly set forth the recognized novelty of decoupling and hydraulic amplification.

Claims 26-28 were rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claim 1 of US Patent 6,776,354 (which issued from US Patent Application Serial No. 09/907,011). This rejection is respectfully traversed. The present application is a divisional application of the '011 patent application '354 patent, filed under 34 USC §121 Divisional Applications, which reads:

If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions. If the other invention is made the subject of a divisional application which complies with the requirements of section 120 of this title it shall be entitled to the benefit of the filing date of the

Pg. 5 of 7

Appln. No.: 10/802,275

Amdt. dated May 12, 2005

Reply to Office action of February 18, 2005

original application. A patent issuing on an application with respect to which a requirement for restriction under this section has been made, or on an application filed as a result of such a requirement, shall not be used as a reference either in the Patent and Trademark Office or in the courts against a divisional application or against the original application or any patent issued on either of them, if the divisional application is filed before the issuance of the patent on the other application. If a divisional application is directed solely to subject matter described and claimed in the original application as filed, the Director may dispense with signing and execution by the inventor. The validity of a patent shall not be questioned for failure of the Director to require the application to be restricted to one invention.

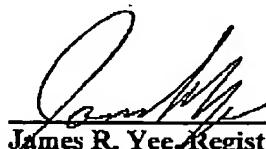
Thus, since the present application was filed as a result of a Restriction Requirement in the original application, i.e., the '011 application, the '011 application or the '354 patent, since it issued therefrom, cannot be used as a reference against the present application. Therefore, the Applicant respectfully submits that the obviousness-type double patenting rejection is improper and must be withdrawn.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due; however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789. Further and favorable reconsideration of the outstanding Office Action is hereby requested.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

August 22, 2005


James R. Yee, Registration No. 34,460
The Pinchurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
(248) 723-0349

Pg. 6 of 7

Appln. No.: 10/802,275
Amdt. dated May 12, 2005
Reply to Office action of February 18, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Amendment for United States Application Serial No. 10/802,275 filed **March 17, 2004** is being transmitted via facsimile to the United States Patent & Trademark Office to fax number (703) 872-9306 on **August 22, 2005**.


Melissa S. Dadisman